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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,599	12/10/2001	Nicole A. Nemer	SMQ-066/P5901	6538
959	7590	04/25/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			KISS, ERIC B	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/016,599

Applicant(s)

NEMER, NICOLE A.

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The reply filed 18 February 2005 has been received and entered. Claims 1-6 and 8-20 are pending.

***Response to Amendment***

2. Applicant's amendments to the specification appropriately address the improper usage of the trademark JAVA, as detailed in the previous Office action. However, it is noted that Applicant has not addressed the use of the trademark SOLARIS. Accordingly, the objection to the specification is maintained.

3. The title change is noted. The objection to the title is withdrawn in view of Applicant's amendment.

4. It is noted that Applicant has intended to address the objection to the drawings by adding reference character "70" to the relevant portion of the specification (see p. 13, third paragraph, of Applicant's remarks). However, no such amendment has been presented. Accordingly, the objection to the drawings is maintained.

5. Applicant's amendment to claim 20 appropriately addresses the objection to claim 20, based on an informality, as detailed in the previous Office action. Accordingly, this objection is withdrawn in view of Applicant's amendment.

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6. Applicant's amendments to the claims appropriately address the rejection of claims 1-20 under 35 U.S.C. §112, second paragraph. Accordingly, this rejection is withdrawn in view of Applicant's amendments.

7. Applicant's amendments to the claims appropriately address the rejection of claims 1-20 under 35 U.S.C. §101. Accordingly, this rejection is withdrawn in view of Applicant's amendments.

#### ***Response to Arguments***

8. Applicant's arguments filed 18 February 2005 have been fully considered but they are not persuasive.

The Examiner notes that while *JATO\_One* does describe the use of Jato scripts expressed in XML, it also describes how the Jato scripts are processed with a set of classes that contain methods for carrying out the translation. As just one example, the code in Listing 2 on pp. 4-5, and the instructions for invoking the code immediately thereafter. The processing of the script (and thus, the translation) is accomplished by the org.jato.JavaToXml class and the SimpleJavatoXml helper class.

#### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 102(a) as being anticipated by the Jato API disclosed by Andy Krumel in “Jato: The new kid on the open source block, Part 1” (March 2001; hereinafter *JATO\_One*), “Jato: The new kid on the open source block, Part 2” (April 2001; hereinafter *JATO\_Two*), and “Jato: The new kid on the open source block, Part 3” (May 2001; hereinafter *JATO\_Three*), said API hereinafter *JATO*.

As per claim 1, *JATO* is disclosed as providing a base object class that includes at least one method for converting between “Java” objects and XML data objects, wherein said at least one method determines the steps needed to perform the conversion and performs the conversion (see, for example, “Jato architecture on pp. 2-4 of *JATO\_One*; see further, the subsequent examples on pp. 4-9 of *JATO\_One*, illustrating the roles of the various classes and methods); providing a selected object class that is a sub-class of the base object class (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*); and for a given instance of the selected object class, invoking the method to perform a conversion on the given instance (see, for example, “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*).

As per claim 2, *JATO* is further disclosed as the selected object class being a “Java” object class (see, for example, “Java-to-XML example” on pp. 4-8 of *JATO\_One*).

As per claim 3, *JATO* is further disclosed as the selected object class being an XML data object class (see, for example, “XML-to-Java example” on pp. 8-9 of *JATO\_One*).

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As per claim 4, *JATO* is further disclosed as the method for converting being invoked to convert a “Java” object into at least one XML data object (see, for example, “Java-to-XML example” on pp. 4-8 of *JATO\_One*).

As per claim 5, *JATO* is further disclosed as the method for converting being invoked to convert an XML data object into “Java” (see, for example, “XML-to-Java example” on pp. 8-9 of *JATO\_One*).

As per claim 6, *JATO* is further disclosed as the method for converting being invoked to convert an entire XML document into “Java” (see, for example, “XML-to-Java example” on pp. 8-9 of *JATO\_One*).

As per claim 8, *JATO* is further disclosed as the base object class including both a method for converting from “Java” to XML and a method for converting from XML to “Java” (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*).

As per claims 9-15, these are medium versions the prescribed method steps discussed above (claims 1-6 and 8, respectively). The use of such a medium, such as memory, is inherent in performing the computer-implemented steps discussed above.

As per claim 16, *JATO* is disclosed as providing a base object class that includes at least one method for converting between “Java” objects and XML data objects (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*); defining a first object class as a sub-class of the base object class (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*); and defining a second

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object class as a sub-class of the base object class (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*).

As per claim 17, *JATO* is further disclosed as, for an instance of the first object class, invoking the method for converting to perform conversion of the instance of the first object class (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*).

As per claim 18, *JATO* is further disclosed as, for an instance of the second object class, invoking the method for converting to perform conversion of the instance of the second object class (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” and “XML-to-Java example” on pp. 4-9 of *JATO\_One*).

As per claim 19, *JATO* is further disclosed as the “method for converting” converting a “Java” object into XML (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “Java-to-XML example” on pp. 4-8 of *JATO\_One*).

As per claim 20, *JATO* is further disclosed as the “method for converting” converting an XML document into “Java” (see, for example, “Jato architecture” on pp. 2-3 of *JATO\_One*; and “XML-to-Java example” on pp. 8-9 of *JATO\_One*).

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

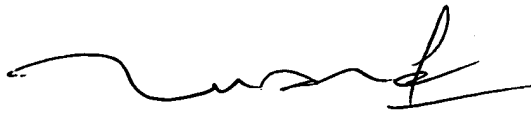


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Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:

571-272-2100.

EBK/EBK  
April 5, 2005



TUAN DAM  
SUPERVISORY PATENT EXAMINER